

## ALIOTO LAW FIRM

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October 9, 2014

The Honorable Susan Illston  
United States District Judge  
Northern District of California  
San Francisco Courthouse – Courtroom 10 – 16<sup>th</sup> Floor  
San Francisco, CA 94102

### VIA ECF

RE: *In re TFT-LCD (Flat Panel) Antitrust Litigation*, Case No. 3:07-md-01827-SI

Dear Judge Illston:

I am writing in response to the September 19, 2014, letter (Dkt. No. 9224) sent to Your Honor on behalf of LFG National Capital, LLC, an unlicensed lender. The letter sent to Your Honor is presumptuous as well as inaccurate. It seeks to mischaracterize the tentative decision by Judge James A. McBride for the apparent purpose of asking Your Honor to escrow what they presume to be a final judgment.

Judge McBride tentatively ruled that I established all of the elements of the intentional interference except for the unique California requirement of an “independent unlawful act,” separate and apart from the interference itself. *See Della Penna v. Toyota Motor Sales USA, Inc.*, (1995) 11 Cal.4th 376 and *Korea Supply Co. v. Lockheed Martin Corp.* (2003) 29 Cal.4th 1134. Judge McBride said:

“The only legal issue framed up...was the wrongfulness of the act. They [Alioto] have every other piece except for the wrongfulness of the act.”

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In addition, Judge McBride opened up his decisions to arguments, objections, and evidentiary submissions. He said: “Your objections could change my mind.”

We are sanguine about our potential responses in this regard. We also believe that there is no question whatsoever that there is a major dispute as to the amount owed, especially since LFG National did not have and does not have a lender’s license, which is required under California law. Without a license, LFG is prohibited from charging usurious interest rates. In addition, even LFG is uncertain about the amount. As I previously informed the Court, LFG itself submitted two different computations covering the same time period with approximately a \$5 million difference. During the trial, they did not prove the amount of their claim.

Therefore, we respectfully submit, that the Court should ignore LFG’s letter until and unless there is a final judgment that is not otherwise stayed pending appeal.

Respectfully submitted:

*/s/ Joseph M. Alioto*

Joseph M. Alioto

cc: Counsel of Record via ECF